

# EXHIBIT 7

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**From:** David Godkin <godkin@birnbaumgodkin.com>  
**Sent:** Thursday, December 22, 2016 11:14 AM  
**To:** Laura Miller; Sonal Mehta; Catherine Kim  
**Cc:** James Kruzer; 'bpf@criterionlaw.com'  
**Subject:** RE: Six4Three v. Facebook - Federal Court case  
**Attachments:** 2016-12-21 006 First Amended Complaint with Exs..pdf; 2016-12-22 Motion for TRO.PDF; 2016-12-21 Kramer Declaration with Exs.pdf; 2016-12-22 Godkin Declaration w Ex.pdf; 2016-12-21 643 Proposed Order Re TRO Trademark.pdf

Laura,

We filed the attached First Amended Complaint yesterday. In addition, 643 received a shut down notice a short while ago today stating that access to the site has been suspended. See Exhibit A to my attached declaration. This is not consistent with your statement below. Accordingly, we have filed a motion for a TRO and supporting papers, are contacting the Court now to determine when it can be heard. I am separately notifying [legal@mediatemple.net](mailto:legal@mediatemple.net) and providing the papers. If you have a contact at Media Temple, please provide his/her contact information. I will let you know when we have information from the Court about the hearing.

Regards,

David

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**From:** Laura Miller [mailto:[LMiller@durietangri.com](mailto:LMiller@durietangri.com)]  
**Sent:** Thursday, December 22, 2016 1:45 PM  
**To:** David Godkin <godkin@birnbaumgodkin.com>; Sonal Mehta <SMehta@durietangri.com>; Catherine Kim <CKim@durietangri.com>  
**Cc:** James Kruzer <kruzer@birnbaumgodkin.com>; 'bpf@criterionlaw.com' <bpf@criterionlaw.com>  
**Subject:** RE: Six4Three v. Facebook - Federal Court case

David,

We have looked into this matter, and can confirm that Facebook never requested that anyone take down the Facebooksappeconomy.com site. Further, Facebook was not in direct contact with Media Temple prior to yesterday. Based on the information you provided yesterday, Facebook sent a request to GoDaddy and Temple Media to immediately reinstate the site. We trust this resolves the issue.

Best,  
Laura

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**From:** David Godkin [<mailto:godkin@birnbaumgodkin.com>]  
**Sent:** Wednesday, December 21, 2016 1:36 PM  
**To:** Laura Miller <[LMiller@durietangri.com](mailto:LMiller@durietangri.com)>; Sonal Mehta <[SMehta@durietangri.com](mailto:SMehta@durietangri.com)>; Catherine Kim <[CKim@durietangri.com](mailto:CKim@durietangri.com)>  
**Cc:** James Kruzer <[kruzer@birnbaumgodkin.com](mailto:kruzer@birnbaumgodkin.com)>; 'bpf@criterionlaw.com' <[bpf@criterionlaw.com](mailto:bpf@criterionlaw.com)>  
**Subject:** RE: Six4Three v. Facebook - Federal Court case

Laura,

Thank you for your email. I have attached a notice sent to 643 yesterday by Media Temple, which states that based on a complaint from Facebook, the site will be disabled within 24 hours. If, as you say, Facebook suspended all activity against the site, please explain why Media Temple sent this notice. We will consider holding off with our efforts to obtain temporary and preliminary injunctive relief if you immediately provide Facebook's commitment to instruct Media Temple not to disable or otherwise interfere with the site. I look forward to your prompt response.

David

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**From:** Laura Miller [<mailto:LMiller@durietangri.com>]  
**Sent:** Wednesday, December 21, 2016 4:21 PM  
**To:** David Godkin <[godkin@birnbaumgodkin.com](mailto:godkin@birnbaumgodkin.com)>; Sonal Mehta <[SMehta@durietangri.com](mailto:SMehta@durietangri.com)>; Catherine Kim <[CKim@durietangri.com](mailto:CKim@durietangri.com)>  
**Cc:** James Kruzer <[kruzer@birnbaumgodkin.com](mailto:kruzer@birnbaumgodkin.com)>; 'bpf@criterionlaw.com' <[bpf@criterionlaw.com](mailto:bpf@criterionlaw.com)>  
**Subject:** RE: Six4Three v. Facebook - Federal Court case

David,

Please provide further details regarding your allegation below that "Facebook and others working in concert with it are actively engaged in efforts to take down the site FacebookAppsEconomy.com," including the precise steps you believe Facebook and others have taken following the original email of November 11, 2016. See Ex. A to the Complaint.

We suspended any activity regarding the site once it was altered on December 15. As you know, prior to that date, and contrary to the allegations in the Complaint, the site included only a plain blue background with Facebook's mark (in the same font and coloring as Facebook's logo) and Facebook's Thumb logo, which is also a federally registered trademark. While reserving its rights to challenge any future infringement of its marks, Facebook does not intend to pursue any enforcement action against the FacebookAppsEconomy.com site at this time.

Finally, as Facebook does not intend to pursue any actions regarding the current site, and the only allegations in the Complaint are related to a single email directed to a different site that no longer exists, Six4Three's action necessarily fails for lack of subject matter jurisdiction. In the event that Six4Three intends to pursue this meritless action, we can confirm that we will accept service on behalf of Facebook.

Best,  
Laura

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**From:** David Godkin [<mailto:godkin@birnbaumgodkin.com>]  
**Sent:** Tuesday, December 20, 2016 2:40 PM  
**To:** Sonal Mehta <[SMehta@durietangri.com](mailto:SMehta@durietangri.com)>; Laura Miller <[LMiller@durietangri.com](mailto:LMiller@durietangri.com)>; Catherine Kim <[CKim@durietangri.com](mailto:CKim@durietangri.com)>  
**Cc:** James Kruzer <[kruzer@birnbaumgodkin.com](mailto:kruzer@birnbaumgodkin.com)>; 'bpf@criterionlaw.com' <[bpf@criterionlaw.com](mailto:bpf@criterionlaw.com)>  
**Subject:** Six4Three v. Facebook - Federal Court case

Ladies,

Would you please advise me if you are authorized by Facebook to accept service of the attached Federal Court complaint? Please let me know by noon tomorrow.

In addition, it has come to our attention that Facebook and others working in concert with it are actively engaged in efforts to take down the site FacebookAppsEconomy.com. Please advise me by noon tomorrow if Facebook will agree to cease and desist all such efforts, and to ensure that those acting in concert with it also cease such efforts,

so that the site remains active. If we do not receive your commitment by noon tomorrow, we will seek temporary and preliminary relief from the Court.

Thank you.

David Godkin